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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/708,388	02/27/2004	Keith D. Foote	71486-0068	1405
20915	7590	07/26/2005		EXAMINER
MCGARRY BAIR PC 171 MONROE AVENUE, N.W. SUITE 600 GRAND RAPIDS, MI 49503				KHATRI, PRANAV V
			ART UNIT	PAPER NUMBER
			2872	

DATE MAILED: 07/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/708,388	FOOTE ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Pranav V. Khatri	2872

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 27 February 2004.

2a)  This action is **FINAL**.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## **Disposition of Claims**

4)  Claim(s) 1-26 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5)  Claim(s) \_\_\_\_\_ is/are allowed.  
6)  Claim(s) 1-26 is/are rejected.  
7)  Claim(s) \_\_\_\_\_ is/are objected to.  
8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on 27 February 2004 is/are: a)  accepted or b)  objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All   b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 05/27/2004.

4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_ .  
5)  Notice of Informal Patent Application (PTO-152)  
6)  Other: \_\_\_\_ .

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 4, 5, 7, 8, 10, 11, 12, 14, 15, 17, 18, 20-22, 24, 25 are rejected under 35 U.S.C. 102(b) as being anticipated by Leonberger (US Patent No. 5,909,326).

Regarding claim 1, Leonberger discloses a vehicular rearview mirror assembly, comprising: a base assembly (Fig. 4) comprising a base frame (Fig. 4 Numeral 3) for mounting the rearview mirror assembly to a vehicle (Abstract Line 1); a reflective element (Fig. 4 Numeral 5) mounted to the base frame (3) for providing an occupant of the vehicle with a rear view; and a low friction bearing (Fig. 4 Numeral 22 and 23) interposed between the base frame (3) and the reflective element (5) for facilitating movement of the reflective element relative to the base frame (3).

Regarding claim 2, Leonberger discloses wherein the low friction bearing (Fig. 3 Numeral 22 and 23) comprises a ball bearing (see Leonberger Col 4 Lines 3-4 and Fig. 4 Numeral 22 and 23).

Regarding claim 4, Leonberger discloses wherein the reflective element (Fig. 4 Numeral 5) further comprises a mounting frame (Fig. 4 Numeral 4) attached to the reflective element (5), and the base assembly (3) further comprises at least one arm (Fig. 4 Numeral 13) moveably connected to the mounting frame (4), and the low friction

bearing (22 and 23) is interposed between the at least one arm (13) and the mounting frame (4) for facilitating the movement of the mounting frame relative to the base assembly.

Regarding claim 5, Leonberger discloses wherein the low friction bearing (Fig. 3 Numeral 22 and 23) comprises a ball bearing (see Leonberger Col 4 Lines 3-4 and Fig. 4 Numeral 22 and 23).

Regarding claim 7, Leonberger discloses wherein the base assembly (Fig. 5) further comprises at least one arm moveably connected (Fig. 5 Numeral 13) to the base frame (3) and the low friction bearing (22 and 23) is interposed between the at least one arm (13) and the base frame (3) for facilitating the movement of the at least one arm (13) relative to the base frame (3).

Regarding claim 8, Leonberger discloses wherein the low friction bearing (Fig. 3 Numeral 22 and 23) comprises a ball bearing (see Leonberger Col 4 Lines 3-4 and Fig. 4 Numeral 22 and 23).

Regarding claim 10, Leonberger discloses wherein the moveable connection (Col 3 Lines 14-19 and Fig. 5 Numeral 13) comprises a pivot connection (see Leonberger Col 4 Lines 27-30, and Fig 5 dashed lines of Numeral 13 and 11), the base frame comprises parallel spaced-apart flanges (in another embodiment Fig. 3 Numeral 17 and 18), and the at least one arm (13) is interposed between the parallel flanges (Col 4 Lines 11-12) to form the pivot connection.

Regarding claim 11, Leonberger discloses wherein the low friction bearing (Fig. 3 Numeral 22 and 23) is interposed between the at least one arm (13) and the parallel flanges (17 and 18).

Regarding claim 12, Leonberger discloses wherein the low friction bearing (Fig. 3 Numeral 22 and 23) comprises a ball bearing (see Leonberger Col 4 Lines 3-4 and Fig. 4 Numeral 22 and 23).

Regarding claim 14, Leonberger discloses a vehicular rearview mirror assembly, comprising: a reflective element (Fig. 4 Numeral 5) mounted to a mounting frame (4) for providing an occupant of the vehicle with a rearward view; an extension arm (6, 7, 12, and 13) mounted to a vehicle (Col 3 Lines 24-25) and moveably attached to the reflective element assembly (Col 4 Lines 21-24); and a low friction bearing (22 and 23) interposed between the mounting frame (4) and the extension arm (6, 7, 12, and 13) for facilitating movement of the reflective element relative to the extension arm.

Regarding claim 15, Leonberger discloses wherein the low friction bearing (Fig. 3 Numeral 22 and 23) comprises a ball bearing (see Leonberger Col 4 Lines 3-4 and Fig. 4 Numeral 22 and 23).

Regarding claim 17, Leonberger discloses vehicular rearview mirror assembly, comprising: a base assembly (Fig. 4) comprising a base frame (Fig. 4 Numeral 3) for mounting the rearview mirror assembly to a vehicle; at least one support arm (13) for supporting a reflective element (5) and moveably connected (Col 3 Lines 14-19 and Fig. 5 Numeral 13) to the base frame (3) for selectively folding the reflective element against the vehicle and extending the reflective element away from the vehicle (Fig. 5 dotted

Numeral 4); and a low friction bearing (Fig. 4 Numeral 22 and 23) interposed between the base frame (3) and the at least one support arm (13) for facilitating movement of the reflective element relative to the vehicle.

Regarding claim 18, Leonberger discloses wherein the low friction bearing (Fig. 3 Numeral 22 and 23) comprises a ball bearing (see Leonberger Col 4 Lines 3-4 and Fig. 4 Numeral 22 and 23).

Regarding claim 20, Leonberger discloses wherein the moveable connection (Col 3 Lines 14-19 and Fig. 5 Numeral 13) comprises a pivot connection (11), the base frame (3) comprises parallel spaced-apart flanges (in another embodiment Fig. 3 Numeral 17 and 18), and the at least one support arm (13) is interposed between the parallel flanges (Col 4 Lines 11-12) to form the pivot connection.

Regarding claim 21, Leonberger discloses wherein the low friction bearing (Fig. 3 Numeral 22 and 23) is interposed between the at least one arm (13) and the parallel flanges (17 and 18).

Regarding claim 22, Leonberger discloses wherein the low friction bearing (Fig. 3 Numeral 22 and 23) comprises a ball bearing (see Leonberger Col 4 Lines 3-4 and Fig. 4 Numeral 22 and 23).

Regarding claim 24, Leonberger discloses a vehicular rearview mirror assembly, comprising: a base assembly (Fig. 4) comprising a base frame (3) for mounting the rearview mirror assembly to a vehicle; at least one support arm (13) for supporting a reflective element (5) and pivotably (11) connected to the base frame (3) for selectively folding the reflective element against the vehicle and extending the reflective element

away from the vehicle (Fig. 5 dotted Numeral 4); and a pair of parallel spaced-apart flanges (in another embodiment Fig. 3 Numeral 17 and 18), wherein the at least one support arm (13) is interposed between the parallel flanges (Col 4 Lines 11-12) to form the pivot connection.

Regarding claim 25, Leonberger discloses wherein the pivot connection (Fig. 3 Numeral 11) comprises a ball bearing (8).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 3, 6, 9, 13, 16, 19, 23, and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leonberger (US Patent No. 5,909,326) in view of Urbanek (US Patent No. 4,789,232).

Regarding claims 3, 6, 9, 13, 16, 19, 23, and 26, Leonberger discloses the claimed invention as set forth above. Leonberger lacks the teaching wherein the low friction bearing and the pivot connection comprises a roller bearing.

However, Urbanek teaches a rearview mirror assembly that comprises a roller bearing (see Urbanek Col 3 Lines 19 – 21 and Fig 4 Numeral 56).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to substitute a ball bearing of Leonberger with a roller bearing described by Urbanek for the purpose of enabling a close fit and pivotability between a mirror support arm and a pivot support base; in addition, ball bearings and roller bearings are functionally equivalent in the art.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pranav V. Khatri whose telephone number is 571-272-8311. The examiner can normally be reached on M-F, 8:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Drew Dunn can be reached on 571-272-2312. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Pranav Khatri  
Examiner  
Art Unit 2872

  
DREW A. DUNN  
SUPERVISORY PATENT EXAMINER